THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.23561 OF 2005

Dated 3rd November 2005

Between:

A.Raja S/o.Alagathevar, Occ: Constable.

…Petitioner

And

The Deputy Commandant,

CISF Unit, HWP, Manuguru, Khammam District & others.

…Respondents

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O R D E R:

The petitioner is employed as Constable in CISF.

Up to 1.6.2004, he was posted in the CISF unit at Heavy Water Plant, Manuguru, Khammam District. With effect from that date, he was transferred to CISF unit of ONGC at Jorhat, Assam State. The petitioner was provided with accommodation at Manuguru, when he worked there. Even after his transfer to Jorhat, he did not vacate the quarter, on the ground that his children are admitted in various institutions, and that he is not provided with accommodation at Jorhat. Having waited sufficiently, the respondents issued proceedings, dated 11.5.2005, requiring the petitioner to vacate the quarter at Manuguru, forthwith. The petitioner was also informed that in case, he fails to vacate the quarter by that date, he will be levied penal rent, at the rates

indicated therein. The petitioner challenges the same, and contends that it would be impossible for him to shift the family to Jorhat and to vacate the quarter.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The quarters at various establishments are meant to be allotted for the employees working in those establishments. Once an employee is transferred, he is under obligation to vacate the same. There may be instances, where breathing time is given in the matter of vacating the quarters. It is one and half years ago that the petitioner was transferred from Manuguru to Jorhat. In all fairness, the respondents did not levy any penal rent against the petitioner, up to May 2005. In spite of the same, he did not choose to vacate the quarter.

Reliance is placed upon an office memorandum, dated 30.4.2002, wherein the Government of India directed that employees who are transferred to the States in North-Eastern Region, Union Territories of Andaman & Nocobar Islands, etc. can be permitted to retain their accommodation at other places. Even this facility expired by 30.6.2005. Therefore, the petitioner cannot be granted any relief, nor the action of the respondents can be found fault with.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that in case the petitioner does not vacate the quarter by 30.11.2005, it shall be open to the respondents to forcibly evict him, or his family members, and allot the quarter to other eligible employees. There shall be no order as to costs.

3rd November 2005

Note: Issue C.C. in two days

(B/o)

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